

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

MARTAZE D. HAMMOND

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:05cv203DCB-JCS

COUNTY OF ISSAQUENA, et al.

DEFENDANTS

ORDER

By an order [9-1] entered May 11, 2006, the plaintiff was directed to respond and explain why this civil action should not be dismissed for his failure to pay the filing fee of \$250.00 as he was directed in the order of December 22, 2005. He was also directed to pay the filing fee of \$250.00 on or before June 2, 2006. In his response [10-1], the plaintiff states that he is financially unable to pay the filing fee as directed.

The plaintiff had been denied in forma pauperis status by an order [3-1] entered on December 22, 2005, because this court found that the plaintiff had on not less than three occasions, while incarcerated, filed a civil action or appeal under 28 U.S.C. § 1915 which had been dismissed as frivolous, malicious or for failure to state a claim upon which relief may be granted. Section 1915(g) provides as an exception to this “three-strikes provision” that the plaintiff be under “imminent danger of serious physical injury” at the time he filed his complaint. See Banos v. O’Guin, 144 F.3d 883, 884 (5th Cir. 1998)

Having reviewed the complaint and the plaintiff’s response [10-1], this court finds that the plaintiff does not meet the exception to 28 U.S.C. § 1915(g). Therefore, the plaintiff is granted a 15-day extension to pay the filing fee. Accordingly, it is

ORDERED:

1. That the plaintiff’s response [10-1] is not well-taken.

2. That the plaintiff is granted a 15-day extension of time from the entry of this order to pay the \$250.00 filing fee as directed by the previous orders of this court.

3. That the plaintiff is warned that failure to advise this court of a change of address or failure to comply with any order of this court will be deemed as a purposeful delay and contumacious act by the plaintiff and may result in the dismissal of this case.

This the 8th day of June, 2006.

S/DAVID BRAMLETTE
UNITED STATES DISTRICT JUDGE